

Application Number 10/566,051
Restriction Requirement of January 12, 2009
Response to Office Action of December 12, 2008

REMARKS/ARGUMENT

The Applicants respond to the restriction requirement of the Office Action of December 12, 2008, under 37 C.F.R. § 1.142.

Claims 1 through 21 are pending in the application. No changes are made to the claims as presented in the Applicants' Preliminary Amendment of January 25, 2006. No additional fee is due for claims.

Response to Restriction Requirement

The Examiner applies a restriction requirement under 35 U.S.C. §§ 121 and 372 to elect an invention for examination. Specifically, the Examiner requires the Applicants to elect between nine groups of inventions identified by the Examiner.

The Applicants elect with traverse the claims of Group I. This group includes claims 1 through 11, 20, and 21. Compound 5 in the table on page 33 of the specification and "Example of Process A" on page 38 of the application is elected as the specific species for searching.

The election is made with traverse because the processes relate to the commonly claimed class of compounds. The processes are believed not to require expansive, separate searches.

Under C.F.R. § 1.475(b), a national stage application containing claims drawn to different categories of invention will be considered to have unity of invention if the claims are drawn to one of the following combinations.

- (1) a product and process specifically adapted for the manufacture of said product;
- (2) a product and process of use of said product;

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(3) a product, a process specially adapted for the manufacture of said product, and a use of said product;

(4) a process and an apparatus or means specifically designed for carrying out said process; or

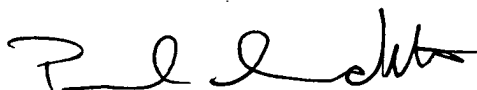
(5) a product, a process specifically adapted for the manufacture of said product, and an apparatus or means specifically designed for carrying out said process.

To comply with the above, the Examiner requests an election of a process from Groups II-IX in combination with Group I. The Applicants elected the process of Group II containing claim 12. Again, compound 5 is selected as the species for searching.

No change in inventorship is caused by this election.

Favorable consideration is respectfully requested.

Respectfully submitted,



Paul Grandinetti
Registration No. 30,754
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone (212) 382-0700